

REMARKS

By this Office Action, the Examiner has required restriction to one of the following groups of Claims under 35 U.S.C. § 121:

- Group I: Claims 1-13, drawn to a method of producing an essentially pure population of astrocytes and the essentially pure population of astrocytes produced by this method;
- Group II: Claims 14-27 and 29-32 (each in part), drawn to an essentially pure population of astrocytes comprising astrocytes and an exogenous nucleic acid wherein the nucleic acid is DNA encoding growth factors, implants and compositions comprising same;
- Group III: Claims 14-27 and 29-32 (each in part) drawn to an essentially pure population of astrocytes comprising astrocytes and an exogenous nucleic acid wherein the nucleic acid is DNA encoding neurotrophic factors, implants and compositions comprising same;
- Group IV: Claims 14-27 and 29-32 (each in part), drawn to an essentially pure population of astrocytes comprising astrocytes and an exogenous nucleic acid wherein the nucleic acid is DNA encoding enzymes, implants and compositions comprising same;

Group V: Claims 14-25 and 28-32 (each in part), drawn to an essentially pure population of astrocytes comprising astrocytes and an exogenous nucleic acid wherein the nucleic acid is RNA encoding an antisense-RNA, implants and compositions comprising same; and

Group VI: Claims 14-25 and 28-32 (each in part), drawn to an essentially pure population of astrocytes comprising astrocytes and an exogenous nucleic acid wherein the nucleic acid is RNA encoding ribozyme, implants and compositions comprising same.

In the restriction requirement, the Examiner has asserted that Groups I-VI do not relate to a single general inventive concept under PCT rule 13.1 because, in the Examiner's opinion, each of these groups of Claims does not identify a technical feature that identifies a contribution that each of these groups of Claims, considered as a whole, makes over the prior art. Hence, it is the position of the Examiner that each of these groups of Claims lacks a special technical feature pursuant to PCT Rule 13.2. In support of this position the Examiner has asserted that Claim 1, which is drawn to, *inter alia*, a method for producing an essentially pure population of astrocytes, is anticipated by the teachings of Wu and Schwartz [(15 March 1998) "Cell Culture Models for Reactive Gliosis: New Perspectives." Journal of Neuroscience Research 51(6):675-681], which the Examiner believes describes the isolation of astrocytes to procure essentially pure cultures (pp. 676-678). Thus, it is the Examiner's position that Claim 1 lacks a special technical feature and cannot share one with other Claims.

In response, solely to be responsive to the requirement for restriction, Applicants provisionally elect, WITH TRAVERSAL, to prosecute the invention of Group I, Claims 1-13, drawn to a method of producing an essentially pure population of astrocytes and the essentially pure population of astrocytes produced by this method.

In response to the Examiner's arguments, Applicants respectfully submit the Examiner is incorrect in asserting that the teachings of Wu and Schwartz anticipate Claim 1. As the Examiner has admitted, Claim 1 is directed towards, *inter alia*, a method of producing an essentially pure population of astrocytes. In contrast, Wu and Schwartz disclose no method of producing an essentially pure population of astrocytes. Thus, contrary to the Examiner's assertion the teachings of Wu and Schwartz do not anticipate Claim 1.

The Examiner's assertions to the contrary notwithstanding, Applicants respectfully submit the conjoint examination and inclusion of all the Claims of the present Application. Accordingly, withdrawal of the Requirement for Restriction is respectfully requested.

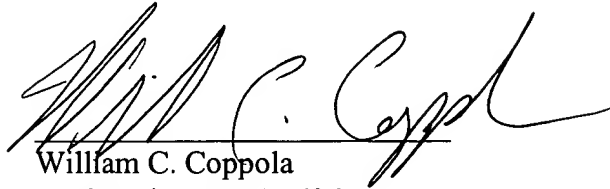
Fees

No additional fees are believed to be necessitated by the foregoing Response. However, should this be erroneous, authorization is hereby given to charge Deposit Account No. 18-1982 for any underpayment, or credit any overages.

CONCLUSION

In view of the above, early action on the merits is courteously solicited.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "William C. Coppola", written over a horizontal line.

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